

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION THREE

WMAC 2013, LLC,	)	No. ED103536
	)	
Appellant,	)	Appeal from the Circuit Court
	)	of St. Charles County
vs.	)	1511-CC00103 and 1511-CC00112
	)	
MICHELLE D. MCBRIDE, ST. CHARLES	)	Honorable Ted C. House
COUNTY COLLECTOR,	)	
	)	
Respondent.	)	Filed: June 28, 2016

WMAC 2013, LLC (“Appellant”) appeals the judgment denying its petitions for writs of mandamus in favor of Michelle D. McBride, St. Charles County Collector (“the Collector”). We dismiss the appeal.<sup>1</sup>

APPEAL DISMISSED.

Division Three holds: The trial court denied Appellant’s petitions for writs of mandamus after first issuing a summons and without issuing a preliminary order, a procedure not authorized by Missouri Supreme Court Rule 94 (2015). Appellant’s proper course of action was to file writs in a higher court. We, therefore, decline to exercise our discretion to entertain Appellant’s appeal and we dismiss it.

Opinion by: Robert M. Clayton III, P.J.  
Lawrence E. Mooney, J., and James M. Dowd, J., concur.

Attorney for Appellant: Scott F. Walterbach

Attorney for Respondent: Robert E. Hoeynck, Jr.

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**

<sup>1</sup> We deny the Collector’s motion taken with the case which urges our Court to strike portions of Appellant’s reply brief and appendix on the grounds they fail to comply with Missouri Supreme Court Rule 84.04 (2015).